

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID ERNESTO MACKEY,

Plaintiff,

v.

PRICE, *et al.*,

Defendants.

No. 1:20-cv-01014-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF ACTION FOR FAILURE TO
STATE A COGNIZABLE CLAIM

(Doc. No. 13)

Plaintiff David Ernesto Mackey is a civil detainee proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is being detained pursuant to California’s Mentally Disordered Offender (“MDO”) law, California Penal Code §§ 2970, *et seq.* Individuals detained under the MDO law are considered civil detainees and are not prisoners within the meaning of the Prison Litigation Reform Act. *Page v. Torrey*, 201 F.3d 1136, 1140 (9th Cir. 2000).

On December 11, 2020, the assigned magistrate judge screened plaintiff’s first amended complaint and issued findings and recommendations recommending that this action be dismissed due to plaintiff’s failure to state a claim upon which relief may be granted. (Doc. No. 13.) On December 30, 2020, plaintiff timely filed objections to the findings and recommendations. (Doc. No. 14.)

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1 Plaintiff's objections to the magistrate judge's findings and recommendations merely
2 reiterate the conclusory allegations of his first amended complaint and do not provide any basis
3 for rejecting the findings and recommendations.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
5 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's
6 objections, the court finds the findings and recommendations to be supported by the record and
7 by proper analysis.

8 Accordingly,

- 9 1. The findings and recommendations issued on December 11, 2020, (Doc. No. 13), are
10 adopted in full;
- 11 2. This action is dismissed, with prejudice, for failure to state a claim upon which relief
12 may be granted; and
- 13 3. The Clerk of the Court is directed to close this case.

14 IT IS SO ORDERED.

15 Dated: March 5, 2021

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18 UNITED STATES DISTRICT JUDGE
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